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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MAZHAR SALEEM and JAGJIT SINGH, individually and
on behalf of all others similarly situated,

Plaintiffs,

No. 12 Civ. 8450 (JMF)

v.

CORPORATE TRANSPORTATION
GROUP, LTD., CORPORATE TRANSPORTATION
GROUP INTERNATIONAL, CORPORATE
TRANSPORTATION GROUP WORLDWIDE, INC., NYC
2 WAY INTERNATIONAL, LTD., ALLSTATE PRIVATE
CAR & LIMOUSINE, INC., ARISTACAR & LIMOUSINE,
LTD., TWR CAR AND LIMO, LTD., EXCELSIOR CAR
AND LIMO, INC., HYBRID LIMO EXPRESS, INC.,
EDUARD SLININ, and GALINA SLININ,

Defendants.

**DECLARATION OF MICHAEL J. SCIMONE IN SUPPORT OF
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Michael J. Scimone, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an attorney at Outten & Golden LLP ("O&G"), which, together with Kahn Opton LLP, represents Plaintiffs in this collective action. I am an attorney in good standing admitted to practice in the State of New York and before this Court. I make this declaration in

support of Plaintiffs' Motion for Partial Summary Judgment. I have personal knowledge of the matters set forth herein and would so testify if called as a witness at trial.

2. The moving Plaintiffs, Named Plaintiffs Mazhar Saleem and Jagjit Singh and Opt-in Plaintiffs Anjum Ali, Jairo Bautista, Anwar Bhatti, Jamshed Choudhary, Anowar Chowdhury, Avneet Koura, Mohammad Siddiqui, Marlene Pinedo, Malook Singh, Jose Solorzano, and Miriam Solorzano, were each deposed by Defendants and produced discovery in response to Defendants' discovery demands.

Exhibits

3. Attached are true and correct copies of the following documents:
 - a. Attached as **Exhibit A** is a true and correct copy of the deposition transcript of Joseph Civello, dated July 23, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;
 - b. Attached as **Exhibit B** is a true and correct copy of Defendants' Responses and Objections to Plaintiffs' Requests for Admissions;
 - c. Attached as **Exhibit C** is a true and correct copy of the deposition transcript of Eduard Slinin, dated October 11, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;
 - d. Attached as **Exhibit D** is a true and correct copy of the deposition transcript of Gerhard Doetsch, dated October 1, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;
 - e. Attached as **Exhibit E** is a true and correct copy of the deposition transcript of Sanjeev Kumar, dated September 19, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

- f. Attached as **Exhibit F** is a true and correct copy of a template NYC 2 Way Franchise Agreement, effective July 24, 2007, bates-stamped CTG15438-529;
- g. Attached as **Exhibit G** is a true and correct copy of a template NYC 2 Way Franchise Agreement, effective December 11, 2008, bates-stamped CTG15358-437;
- h. Attached as **Exhibit H** is a true and correct copy of a template NYC 2 Way Franchise Agreement, effective August 18, 2009, bates-stamped CTG15269-357;
- i. Attached as **Exhibit I** is a true and correct copy of a template NYC 2 Way Franchise Agreement, effective July 6, 2010, bates-stamped CTG15166-268;
- j. Attached as **Exhibit J** is a true and correct copy of a template NYC 2 Way Franchise Agreement, effective July 6, 2011, bates-stamped CTG14971-5069;
- k. Attached as **Exhibit K** is a true and correct copy of a template Aristacar Franchise Agreement, effective July 23, 2007, bates-stamped CTG13654-738;
- l. Attached as **Exhibit L** is a true and correct copy of a template Aristacar Franchise Agreement, effective January 13, 2009, bates-stamped CTG13568-653;
- m. Attached as **Exhibit M** is a true and correct copy of a template Aristacar Franchise Agreement, effective August 13, 2009, bates-stamped CTG13476-567;
- n. Attached as **Exhibit N** is a true and correct copy of a template Aristacar Franchise Agreement, effective July 7, 2010, bates-stamped CTG13382-475;
- o. Attached as **Exhibit O** is a true and correct copy of a template Aristacar Franchise Agreement, effective July 6, 2011, bates-stamped CTG13290-381;
- p. Attached as **Exhibit P** is a true and correct copy of a template TWR Franchise Agreement, effective July 23, 2007, bates-stamped CTG15981-6064;

- q. Attached as **Exhibit Q** is a true and correct copy of a template TWR Franchise Agreement, effective January 19, 2009, bates-stamped CTG15891-980;
- r. Attached as **Exhibit R** is a true and correct copy of a template TWR Franchise Agreement, effective August 13, 2009, bates-stamped CTG15800-890;
- s. Attached as **Exhibit S** is a true and correct copy of a template TWR Franchise Agreement, effective July 7, 2010, bates-stamped CTG15708-799;
- t. Attached as **Exhibit T** is a true and correct copy of a template TWR Franchise Agreement, effective August 10, 2011, bates-stamped CTG15617-707;
- u. Attached as **Exhibit U** is a true and correct copy of a template NYC 2 Way Franchise Agreement, effective July 2, 2012, bates-stamped CTG15070-165;
- v. Attached as **Exhibit V** is a true and correct copy of a template Aristacar Franchise Agreement, effective July 5, 2012, bates-stamped CTG13204-289;
- w. Attached as **Exhibit W** is a true and correct copy of a template TWR Franchise Agreement, effective July 5, 2012, bates-stamped CTG15530-616;
- x. Attached as **Exhibit X** is a true and correct copy of the complaint in *NYC 2 Way International, Ltd. v. Malook Singh*, bates-stamped CTG000234-39;
- y. Attached as **Exhibit Y** is a true and correct copy of the NYC 2 Way Rulebook, bates-stamped CTG34785-801;
- z. Attached as **Exhibit Z** is a true and correct copy of the Aristacar Rulebook, bates-stamped CTG 34751-67;
- aa. Attached as **Exhibit AA** is a true and correct copy of the TWR Rulebook, bates-stamped CTG34802-18;

bb. Attached as **Exhibit BB** is a true and correct copy of the errata sheet from the deposition of Joseph Civello, dated September 11, 2013;

cc. Attached as **Exhibit CC** is a true and correct copy of the deposition transcript of Raisa Kandov, dated September 12, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

dd. Attached as **Exhibit DD** is a true and correct copy of a page from CTG's website, located at http://www.corporate-trans.com/about_ctg.html;

ee. Attached as **Exhibit EE** is a true and correct copy of the deposition transcript of Fadi Toska, dated October 2, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

ff. Attached as **Exhibit FF** is a true and correct copy of the home page from CTG's website, located at <http://www.corporate-trans.com/index.asp>;

gg. Attached as **Exhibit GG** is a true and correct copy of a list of canned messages programmed into Defendants' dispatch system, bates-stamped CTG16552-53;

hh. Attached as **Exhibit HH** is a true and correct copy of the deposition transcript of Greg Mastrangelo, dated October 9, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

ii. Attached as **Exhibit II** is a true and correct copy of an email, dated September 28, 2012, bates-stamped CTG30508-11;

jj. Attached as **Exhibit JJ** is a true and correct copy of a complaint spreadsheet maintained by Defendants, bates-stamped CTG27719;

kk. Attached as **Exhibit KK** is a true and correct copy of the deposition transcript of Joseph Maydwell, dated October 8, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

ll. Attached as **Exhibit LL** is a true and correct copy of an email, dated December 15, 2012, bates-stamped CTG31335-36;

mm. Attached as **Exhibit MM** is a true and correct copy of an email, dated November 1, 2011, bates-stamped CTG28370-74;

nn. Attached as **Exhibit NN** is a true and correct copy of an email, dated October 12, 2012, bates-stamped CTG30560-61;

oo. Attached as **Exhibit OO** is a true and correct copy of an email, dated March 7, 2011, bates-stamped CTG27730-31;

pp. Attached as **Exhibit PP** is a true and correct copy of an email, dated February 3, 2012, bates-stamped CTG17077;

qq. Attached as **Exhibit QQ** is a true and correct copy of an email, dated September 28, 2012, bates-stamped CTG30508-11;

rr. Attached as **Exhibit RR** is a true and correct copy of an email, dated August 21, 2012, bates-stamped CTG30408-18;

ss. Attached as **Exhibit SS** is a true and correct copy of an email, dated June 20, 2012, bates-stamped CTG29734-36;

tt. Attached as **Exhibit TT** is a true and correct copy of an email, dated July 23, 2012, bates-stamped CTG30185-87;

uu. Attached as **Exhibit UU** is a true and correct copy of an email, dated October 1, 2012, bates-stamped CTG30536-38;

vv. Attached as **Exhibit VV** is a true and correct copy of an email, dated September 26, 2011, bates-stamped CTG33359;

ww. Attached as **Exhibit WW** is a true and correct copy of an email, dated September 6, 2012, bates-stamped CTG17894-98;

xx. Attached as **Exhibit XX** is a true and correct copy of an email, dated December 24, 2012, bates-stamped CTG30810-16;

yy. Attached as **Exhibit YY** is a true and correct copy of an email, dated May 14, 2012, bates-stamped CTG23191;

zz. Attached as **Exhibit ZZ** is a true and correct copy of an email, dated July 25, 2012, bates-stamped CTG23436;

aaa. Attached as **Exhibit AAA** is a true and correct copy of an email, dated July 23, 2012, bates-stamped CTG23432-33;

bbb. Attached as **Exhibit BBB** is a true and correct copy of an email, dated July 31, 2012, bates-stamped CTG17752-55;

ccc. Attached as **Exhibit CCC** is a true and correct copy of an email, dated February 16, 2011, bates-stamped CTG27718;

ddd. Attached as **Exhibit DDD** is a true and correct copy of an email, dated September 29, 2010, bates-stamped CTG27456-57;

eee. Attached as **Exhibit EEE** is a true and correct copy of an email, dated June 29, 2010), bates-stamped CTG32861;

fff. Attached as **Exhibit FFF** is a true and correct copy of an email, dated August 10, 2010, bates-stamped CTG25496-97;

ggg. Attached as **Exhibit GGG** is a true and correct copy of an email, dated September 29, 2010, bates-stamped CTG32873-74;

hhh. Attached as **Exhibit HHH** is a true and correct copy of the confidential portion of the deposition transcript of Mazhar Saleem, dated July 18, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

iii. Attached as **Exhibit III** is a true and correct copy of the confidential portion of the deposition transcript of Jagjit Singh, dated July 17, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

jjj. Attached as **Exhibit JJJ** is a true and correct copy of the deposition transcript of Anjum Ali, dated July 10, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

kkk. Attached as **Exhibit KKK** is a true and correct copy of the deposition transcript of Jairo Bautista, dated August 29, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

lll. Attached as **Exhibit LLL** is a true and correct copy of Day 1 of the deposition transcript of Anwar Bhatti, dated July 25, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

mmm. Attached as **Exhibit MMM** is a true and correct copy of the deposition transcript of Jamshed Choudhary, dated September 4, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

nnn. Attached as **Exhibit NNN** is a true and correct copy of the deposition transcript of Anowar Chowdhury, dated October 7, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

ooo. Attached as **Exhibit OOO** is a true and correct copy of the deposition transcript of Avneet Koura, dated August 27, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

ppp. Attached as **Exhibit PPP** is a true and correct copy of the Day 1 of the deposition transcript of Mohammad Siddiqui, dated July 16, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

qqq. Attached as **Exhibit QQQ** is a true and correct copy of the deposition transcript of Marlene Pinedo, dated September 4, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

rrr. Attached as **Exhibit RRR** is a true and correct copy of the deposition transcript of Malook Singh, dated August 20, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

sss. Attached as **Exhibit SSS** is a true and correct copy of the deposition transcript of Jose Solorzano, dated August 27, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

ttt. Attached as **Exhibit TTT** is a true and correct copy of the deposition transcript of Miriam Solorzano, dated August 20, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

uuu. Attached as **Exhibit UUU** is a true and correct copy of CTG's dispatch manual, bates-stamped CTG09239-53;

vvv. Attached as **Exhibit VVV** is a true and correct copy of an email, dated October 22, 2010, bates-stamped CTG19537-38;

www. Attached as **Exhibit WWW** is a true and correct copy of an NYC 2 Way franchise agreement signed by Plaintiff Mazhar Saleem on November 17, 2010, bates-stamped P002547-654;

xxx. Attached as **Exhibit XXX** is a true and correct copy of the non-confidential portion of the deposition transcript of Mazhar Saleem, dated July 18, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

yyy. Attached as **Exhibit YYY** is a true and correct copy of a report showing security deductions made against drivers from 2009 to July 2013, bates-stamped CTG 16065-72;

zzz. Attached as **Exhibit ZZZ** is a true and correct copy of an NYC 2 Way franchise agreement signed by Plaintiff Anjum Ali, bates-stamped P001159-266;

aaaa. Attached as **Exhibit AAAA** is a true and correct copy of an NYC 2 Way franchise agreement signed by Plaintiff Anwar Bhatti on July 21, 2003;

bbbb. Attached as **Exhibit BBBB** is a true and correct copy of an NYC 2 Way franchise agreement signed by Plaintiff Mohammad Siddiqui on December 16, 2010;

cccc. Attached as **Exhibit CCCC** is a true and correct copy of the non-confidential portion of the deposition transcript of Mazhar Saleem, dated July 18, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

dddd. Attached as **Exhibit DDDD** is a true and correct copy of an NYC 2 Way franchise agreement signed by Plaintiff Malook Singh on March 6, 2009;

eeee. Attached as **Exhibit EEEE** is a true and correct copy of Day 2 of the deposition transcript of Anwar Bhatti, dated August 29, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014;

ffff. Attached as **Exhibit FFFF** is a true and correct copy of the National Labor Relations Board's Decision and Direction of Election in *Aristacar & Limousine Ltd.*, Case No. 29-RC-9410 (July 19, 2000);

gggg. Attached as **Exhibit GGGG** is a true and correct copy of the National Labor Relations Board's Decision and Direction of Election in *N.Y.C. 2 Way Int'l*, Case No. 29-RC-9411 (July 31, 2000);

hhhh. Attached as **Exhibit HHHH** is a true and correct copy of the Day 1 of the deposition transcript of Mohammad Siddiqui, dated August 5, 2013, contained on the courtesy CD-ROM delivered to chambers on January 15, 2014.

I declare under penalty of perjury under the laws of New York and the United States that the foregoing is true and correct.

Dated: January 14, 2014
New York, New York

/s/ Michael J. Scimone
Michael J. Scimone

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